

## COUNTY OF FAIRFAX, VIRGINIA

### SPECIAL PERMIT RESOLUTION OF THE BOARD OF ZONING APPEALS

THOMAS B. LEE (KIDS CHILD CARE, INC.) AND SARITA FIGUEROA, SP 2014-PR-095 Appl. under Sect(s). 3-103, 8-305 and 8-923 of the Zoning Ordinance to permit a home child care facility and to permit fence over four feet in height in a front yard. Located at 9130 Arlington Blvd., Fairfax, 22031 on approx. 21,352 sq. ft. of land zoned R-1. Providence District. Tax Map 48-4 ((4)) 1. (Admin. moved from 11/19/14 at appl. req.) Ms. Theodore moved that the Board of Zoning Appeals adopt the following resolution:

WHEREAS, the captioned application has been properly filed in accordance with the requirements of all applicable State and County Codes and with the by-laws of the Fairfax County Board of Zoning Appeals; and

WHEREAS, following proper notice to the public, a public hearing was held by the Board on March 4, 2015; and

WHEREAS, the Board has made the following findings of fact:

1. The applicant is the owner of the land.
2. The present zoning is R-1.
3. The area of the lot is 21,352 sq. ft.
4. Staff recommends approval of the home childcare facility, and the Board adopts their rationale.
5. The applicants stated that they have read and agree to the development conditions.

AND WHEREAS, the Board of Zoning Appeals has reached the following conclusions of law:

THAT the applicant has presented testimony indicating compliance with the general standards for Special Permit Uses as set forth in Sect. 8-006 and the additional standards for this use as contained in the Zoning Ordinance.

NOW, THEREFORE, BE IT RESOLVED that the subject application is **APPROVED** with the following limitations:

1. The special permit approval for the home child care use is granted to the applicants, Thomas B. Lee (Kids Child Care, Inc.) and Sarita Figueroa, and is not transferable without further action of the Board, and is for the property located at 9130 Arlington Boulevard and indicated on the plat entitled "Plat, Showing Special Permit Plat on Lot 1, Boulevard Estates," by Michael Flynn, L.S., of Alexandria Surveys, LLC dated December 12, 2014, and is not transferable to other land.

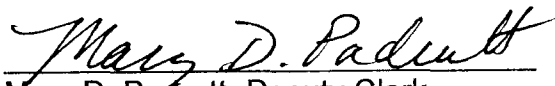
2. This special permit is granted for the location of a fence in a front yard over four feet in height located at 9130 Arlington Boulevard and as indicated on the plat entitled "Plat, Showing Special Permit Plat on Lot 1, Boulevard Estates," by Michael Flynn, L.S., of Alexandria Surveys, LLC dated December 12, 2014, and approved with this application, as qualified by these development conditions.
3. A copy of the special permit conditions shall be posted in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The hours of operation of the home child care will be from 7:00 a.m. to 6:00 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. Excluding the provider's own children, the maximum number of children on-site at any one time shall not exceed twelve.
7. A maximum of two non-resident employees may be involved in the home child care facility, limited to the hours of 7:00 a.m. to 6:00 p.m., Monday through Friday.
8. All pick-up and drop-off of children shall occur in the rear part of the driveway where maneuverability and parking is greater.
9. There shall be no signage associated with the home child care facility.
10. The approval of the use is contingent upon maintenance of a state-issued family day home license that permits the number of children being cared for at the home child care facility.
11. All on-street service drive parking shall not occur directly in front of the site or on the landscaped median between the service drive and Arlington Boulevard.
12. The applicants shall provide information to each parent/guardian regarding the drop-off and parking procedures to reduce vehicle conflict.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, six months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Mr. Beard seconded the motion, which carried by a vote of 5-0. Mr. Ribble was not present for the vote. Mr. Smith was absent from the meeting.

A Copy Teste:

A handwritten signature in cursive script, reading "Mary D. Padrutt", written over a horizontal line.

Mary D. Padrutt, Deputy Clerk  
Board of Zoning Appeals